



**Tuvalu**

# **FORESHORE LICENCE REGULATIONS**

**L.N. 17/79, L.N. 7/82**





Tuvalu

## FORESHORE LICENCE REGULATIONS

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Tuvalu

## FORESHORE LICENCE REGULATIONS

L.N. 17/79, L.N. 7/82

### FORESHORE AND LAND RECLAMATION ORDINANCE

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [Date]

#### 1 Citation

These regulations may be cited as the Foreshore Licence Regulations.

#### 2 Application for licence

- (1) An application under the provisions of section 3(2) of the Foreshore and Land Reclamation Ordinance for a licence to remove substances from the foreshore of any island or islet shall be made to the Executive Officer of the Island Council in whose area of authority such island or islet lies.
- (2) Every application shall be in writing and shall state the name, occupation and address of the applicant, the substance to be removed, the place from which and the purpose for which it is to be removed, the method of its removal and the number of men to be employed, the approximate amount of material it is proposed to remove, and the period for which the licence is required.

### **3 Power of Island Council**

- (1) The Island Executive Officer shall refer every application for a licence to the Island Council in question, and shall only issue a licence on the instructions of the Council to do so.
- (2) The Island Council may refuse to authorise the issue of any licence if satisfied that the grant of it would lead to erosion of the shore line or other detrimental effects on the adjacent land, and may impose reasonable conditions to avoid such effects. The Council may also for good cause impose general conditions upon or refuse to authorise the grant of any licence:

Provided that an applicant for a licence may appeal to the Minister against the refusal of or conditions imposed upon the grant of any licence, and the Minister's decision shall be final.

- (3) The Island Council may cause any licence to be amended or cancelled, with a refund of any fee paid if necessary, for the purpose of preserving adjacent land as aforesaid.

### **4 Form of licences**

Every licence shall be in the form set out in the Schedule and shall specify the period for which it is valid, the substance which may be removed, the amount thereof and the purpose for which it may be used, the place from which and the hours during which it may be removed:

Provided that where an Island Council has by resolution fixed the fee payable under the provisions of regulation 5 (1) the form may (if necessary) be amended to take account of the provisions of the resolution fixing the method of assessment of the fee.

### **5 Fees for licences**

- (1) The fee payable for every licence granted under these regulations shall, subject to the provisions of the regulations, be such sum and relating to such period or collection of such quantity of substance as shall be fixed by the Island Council in whose area of authority the foreshore in question lies:

Provided that if no resolution is made under the provisions of this paragraph then the fee payable shall be \$1.00 per week for each person employed or engaged in the removal of substances under the licence.

- (2) Fees received for foreshore licences shall be paid into the general revenue fund of the Island Council.

**6 Special provisions for councils and Government**

- (1) No fee shall be payable by an Island Council wishing to remove substances from the foreshore within its own area of authority, but such Council shall obtain a licence and shall observe any general or specific directions made by the Minister in respect of any part of the foreshore.
- (2) No fee shall be payable by any person or body wishing to remove substances from the foreshore under the general or specific authority of a Minister, acting in his capacity as such, but such person or body shall obtain a licence and shall observe any general or specific directions made by the Minister in respect of any part of the foreshore.

**SCHEDULE**

(Regulation 4)

**FORESHORE AND LAND RECLAMATION ORDINANCE (CAP 26)  
FORESHORE LICENCE**

- 1. Authority is hereby granted to (name) ..... of (address)..... to remove sand/gravel/stones (or as may be; specify) ..... from the foreshore between high and low water marks fronting the land situate at .....
- 2. The removal of such substance is restricted to the hours of 6.00 a.m. to 6.00 p.m. Monday to Saturday, and may only be effected by means of (specify equipment).....
- 3. This licence covers the employment of .....persons in the removal of substances, which are to be used for the purpose of (specify) .....
- 4. This licence expires on the .....day of .....19....unless renewed.
- 5. A fee of \$ ..... has been collected on RR No

**DATED**

**SIGNED**

*Island Executive Officer*

**ENDNOTES****Table of Legislation History**

<b>Legislation</b>	<b>Year and No</b>	<b>Commencement</b>

**Table of Renumbered Provisions**

<b>Original</b>	<b>Current</b>

**Table of Endnote References**